

### **AMENDMENTS TO THE DRAWINGS**

The attached sheets of Drawings include merely a change to the size of Figures 1 and 2, responsive to the criticism that the original Drawings were “too small.” These two sheets, which include only enlarged versions of Figures 1 and 2, include no other changes.

CHANGES: The Replacement Sheets showing Figures 1 and 2 include no changes other than enlargement of the original Figures 1 and 2

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application. Claim 1 is the only claim that remains in the application. The Office Action dated March 10, 2010 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### **Information Disclosure Citation**

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed May 17, 2006, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

#### **Objection to the Specification**

The Abstract of the Disclosure stands objected to as including legal phraseology. Responsive thereto, Applicants have amended the Abstract of the Disclosure so as to delete the use of legal terminology and put the Abstract in a more narrative form. Reconsideration and withdrawal of the objection are respectfully requested.

#### **Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed. The Examiner has alleged certain instances wherein the claim language lacks antecedent basis or is not clearly understood.

In order to overcome this rejection, Applicants have amended claim 1 and canceled claims 2-4 to correct each of the deficiencies specifically pointed out by the Examiner. For the record, Applicants respectfully note that they are entitled to be their own lexicographer and therefore under the provisions of MPEP § 2173.01 are free to define the terms used in the claims in any manner that they choose as long as the meaning of the terms is clear from the specification. Applicants request the “latitude in the manner of expression and the aptness of terms ... even though the claim language is not as precise as the examiner might desire”, as permitted in § 2173.02. With respect to the term “conventional” Applicants respectfully request

reconsideration as the instant disclosure makes clear that an embodiment of the instant invention includes the addition of an air heater to the heater conventionally present in automobiles. The instant disclosure makes clear that the air heater provides rapid heat from the exhaust manifold that overcomes the well-known deficiency of “conventional” vehicle heaters that depend upon the slow removal of heat from the engine coolant. Therefore, Applicants respectfully submit that the use of the term “conventional” in the claim is predicated on a clear and unambiguous disclosure in the specification and submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bradshaw. Applicants submit that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. See MPEP § 2131 and MPEP § 706.02.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 2-4 have been cancelled, thus rendering this rejection under 35 U.S.C. § 102(b) moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in an air heater for heating passenger compartments of motor vehicles heated by a conventional heater including, *inter alia*,

- a bell housing attached to an exhaust fume output manifold of vehicle engine for collecting hot air, linked by an air hose to a turbine or an extractor which, by way of at least one pipe, forces hot air into the vehicle's compartment, to front and rear screens or exterior rear view mirrors

- a thermostat for shutting off the vehicle's air heater and switching over to the vehicle's conventional heater by means of a manual or electrically-operated butterfly valve, and stopping the turbine and
- a CO<sub>2</sub> detector that shuts off the turbine or extractor which operates an air flow shut-off valve and activates a warning light and/or buzzer in the compartment, and further includes a central electronic unit for controlling operation . Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Bradshaw.

The Examiner states that Bradshaw shows "an air conditioning system including a heater essentially as claimed" based upon the caveat of as best "can be understood in view of the indefiniteness of the claims."

Applicants respectfully submit that claim 1 has been carefully revised so as to make its meaning clear and that, as so amended, Bradshaw fails to show or suggest either the claimed structure or function for the following reasons. Claim 1 requires an air heater for heating passenger compartments of motor vehicles and defrosting windscreens of vehicles. Bradshaw discloses an air conditioning system for working locations 12 in a factory building 10. Nowhere does Bradshaw disclose an air heater for heating passenger compartments of motor vehicles, and therefore Bradshaw fails to show or suggest this structure or function. The claim requires a bell housing attached to exhaust fume output manifolds of a vehicle engine for collecting hot air. Bradshaw shows a metal tunnel member 40, but tunnel member 40 is not attached to an exhaust fume output manifold of the vehicle engine for collecting hot air and therefore clearly cannot be construed to be a bell housing connected in the manner claimed to the exhaust fume output manifold, and therefore fails to show or suggest this structure. The claim requires the bell housing to be linked by an air hose to a turbine or an extractor which by way of at least one pipe, forces hot air into the vehicle's compartment, to front and rear screens or exterior rear view windows. Bradshaw has no such air hose, no such turbine or extractor and no such pipe(s) for forcing hot air into these portions of a vehicle, and therefore fails to show or suggest this structure and function. The claim requires a thermostat for shutting off the vehicle's air heater and switching over to the vehicle's conventional heater. Bradshaw has no thermostat for shutting off the vehicle's air heater and switching over to the vehicle's conventional heater, as claimed, and therefore fails to show or suggest this structure and function. And the claim

requires a central electronic unit for controlling operation. Bradshaw has no central electronic unit for controlling operation and therefore fails to show or suggest this function. Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Bradshaw, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

### **Conclusion**

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

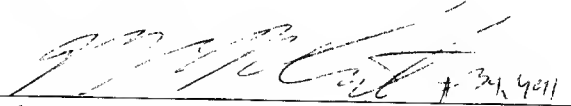
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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Attachment: Replacement Drawings including Figures 1 and 2